

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1959 – SB 1974

March 12, 2018

SUMMARY OF ORIGINAL BILL: Enhances the sale, manufacture, distribution, and possession with intent to distribute 15 grams of any substance containing fentanyl to a Class B felony and 150 grams of any substance containing fentanyl to a Class A felony.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – \$12,429,000 Incarceration*

SUMMARY OF AMENDMENT (014926): Deletes and rewrites the proposed legislation to require all fees collected from drug testing and blood alcohol concentration testing to be deposited into the General Fund rather than to the Tennessee Bureau of Investigation's Drug Chemistry Unit Drug Testing Fund (DTF) and the Toxicology Unit Intoxicant Testing Fund (ITF).

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Revenue – \$6,823,200/General Fund

**Decrease State Revenue – \$3,678,800/TBI Drug Chemistry Unit Drug Testing Fund
\$3,144,300/TBI Toxicology Unity Intoxicant Testing Fund**

Assumptions for the bill as amended:

- Tennessee Code Annotated § 39-17-420(h) establishes a fee to be assessed for a violation of any part of the Tennessee Drug Control Act. Under Tenn. Code Ann. § 39-17-420(i), this fee is collected by the clerks and submitted to the State Treasurer on a monthly basis for deposit in the DTF.
- Tennessee Code Annotated § 55-10-413(f)(1) establishes a fee to be assessed for a violations of certain moving violations, e.g. driving under the influence of an intoxicant, vehicular assault, vehicular homicide, etc. Under Tenn. Code Ann. § 55-10-413(f)(2), this fee is collected by the clerks and submitted to the State Treasurer on a monthly basis for deposit in the ITF.

HB 1959 – SB 1974

- The proposed legislation would require the funds collected under Tenn. Code Ann. §§ 39-17-420 and 55-10-413 to be deposited into the General Fund and be used only as appropriated by the General Assembly.
- According to the TBI, the three-year average of funds collected under Tenn. Code Ann. § 39-17-420(h) is \$3,678,753; and under § 55-10-413(f) is \$3,144,332.
- The proposed legislation would result in a recurring increase in state revenue to the General Fund estimated to be \$6,823,085.
- The proposed legislation would result in recurring decreases in state revenue to the DTF estimated to be \$3,678,753 and to ITF estimated to be \$3,144,332.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

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